

1 TRACY L. WILKISON
Acting United States Attorney
2 BRANDON D. FOX
Assistant United States Attorney
3 Chief, Criminal Division
JOSEPH T. MCNALLY (Cal. Bar No. 250289)
4 SCOTT D. TENLEY (Cal. Bar No. 298911)
Assistant United States Attorneys
5 411 West Fourth Street, Suite 8000
Santa Ana, California 92701
6 Telephone: (714) 338-3500
Facsimile: (714) 338-3561
7 E-mail: scott.tenley@usdoj.gov

8 Attorneys for Plaintiff
UNITED STATES OF AMERICA

9 UNITED STATES DISTRICT COURT

10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 DAVID HOBART PAYNE,

15 Defendant.

No. SA CR 17-053(A)-JLS

ORDER CONTINUING TRIAL DATE AND
FINDINGS REGARDING EXCLUDABLE TIME
PERIODS PURSUANT TO SPEEDY TRIAL
ACT

NEW TRIAL DATE: 11-09-21

NEW CONF. DATE: 10-29-21

16
17
18
19
20 The Court has read and considered the Stipulation Regarding
21 Request for (1) Continuance of Trial Date and (2) Findings of
22 Excludable Time Periods Pursuant to Speedy Trial Act, filed by the
23 parties in this matter on February 5, 2021. The Court hereby finds
24 that the Stipulation, which this Court incorporates by reference into
25 this Order, demonstrates facts that support a continuance of the
26 trial date in this matter, and provides good cause for a finding of
27 excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161.
28

1 The Court further finds that: (i) the ends of justice served by
2 the continuance outweigh the best interest of the public and
3 defendant in a speedy trial; (ii) failure to grant the continuance
4 would be likely to make a continuation of the proceeding impossible,
5 or result in a miscarriage of justice; (iii) the case is so unusual
6 and so complex, due to the nature of the charges and volume of
7 discovery, that it is unreasonable to expect preparation for pre-
8 trial proceedings or for the trial itself within the time limits
9 established by the Speedy Trial Act; and (iv) failure to grant the
10 continuance would unreasonably deny defendant continuity of counsel
11 and would deny defense counsel the reasonable time necessary for
12 effective preparation, taking into account the exercise of due
13 diligence.

14 THEREFORE, FOR GOOD CAUSE SHOWN:

15 1. The trial in this matter is continued from May 25, 2021 at
16 9:00 a.m. to November 9, 2021 at 9:00 a.m. The status conference
17 hearing is continued to October 29, 2021 at 8:30 a.m.

18 2. The time period of May 25, 2021 to November 9, 2021,
19 inclusive, is excluded in computing the time within which the trial
20 must commence, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(ii),
21 (h)(7)(B)(i), and (B)(iv). Defendant shall appear in Courtroom 10A
22 of the Federal Courthouse, 411 West Fourth Street, Santa Ana,
23 California on October 29, 2021 at 8:30 a.m. for a status conference,
24 and on November 9, 2021 at 9:00 a.m. for trial.

25 3. Nothing in this Order shall preclude a finding that other
26 provisions of the Speedy Trial Act dictate that additional time
27 periods are excluded from the period within which trial must
28 commence. Moreover, the same provisions and/or other provisions of

1 the Speedy Trial Act may in the future authorize the exclusion of
2 additional time periods from the period within which trial must
3 commence.

4 IT IS SO ORDERED.

5
6 February 05, 2021
7 DATE


8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
HONORABLE JOSEPHINE L. STATON
UNITED STATES DISTRICT JUDGE

10 Presented by:

11 /s/
12 SCOTT D. TENLEY
13 Assistant United States Attorney
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28